

201-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4910-2020(O&M)
Date of decision: 14.09.2020

SUKHO@ SUKHO KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 13.08.2020 the following order was passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek the concession of 'pre-arrest bail' under the provisions of Section 438 Cr.P.C., upon FIR No.217, dated 28.10.2019, having been registered at Police Station Sadar, Ferozepur, alleging therein the commission of offences punishable under Sections 186, 353, 148, 149 and 313 of the IPC and Section 61 of the Punjab Excise Act, 1914 (with Sections 307, 332 and 427 of the IPC added later).

Learned counsel for the petitioners submits that no overt act or injury has been attributed to the petitioners, who have simply been roped in and consequently they deserve the concession of being admitted to pre-arrest bail.

Notice of motion having been issued in the application seeking advancement of the date of hearing, learned State counsel appears and

submits that as per his instructions 4 persons were injured, including one Vijay Singh and Moora Singh, who are stated to have received the injuries at the hands of the petitioners.

A perusal of the FIR shows that though, undoubtedly, the injury on the person of the complainant is attributed to one Raj @ Raju, with a gandasa, as regards the petitioners they are stated to have, alongwith others, beaten up the other persons accompanying the complainant.

Upon query, learned Stated counsel on instructions submits that injury on the person of the complainant was also eventually found to be simple in nature, but he submits that 450 bottles of illicit liquor were recovered from the car in which one of the co-accused of the petitioners was travelling.

Though otherwise the petitioners may not have been entitled to pre-arrest bail, in view of the fact that they are alleged to have attacked the police party accompanying them, but keeping in view the fact that many persons were named in the FIR and all injuries stated to have been received are simple in nature, thereby making it a non-cognizable offence, and further, that the liquor alleged to have been recovered is not from the car in which the petitioners were travelling and also that the car does not belong to either of the petitioners, without making any comment on the actual merits of the case, the petitioners are directed to join investigation and if, upon them so joining, they are sought to be arrested, they shall be released on interim bail, upon their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

They shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioners in investigation, they would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join them in investigation, in terms of the order of this Court.

Adjourned to 14.09.2020”.

On instructions of ASI Joginder Singh, it has been pointed out by the learned State counsel that the petitioner has joined the investigation and her custodial interrogation is not required.

Without expressing any opinion on the merits of the case, the order dated 13.08.2020, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

The petition is accordingly, allowed.

14.09.2020.
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No